



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

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OFFICE OF  
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Removal of NFRAP Sites from CERCLIS

FROM: Stephen D. Luftig, Acting Director *Steve Luftig*  
Office of Emergency and Remedial Response

TO: Director, Waste Management Division  
Regions I, IV, V, VII  
Director, Emergency and Remedial Response Division  
Region II  
Director, Hazardous Waste Management Division  
Regions III, VI, VIII, IX  
Director, Hazardous Waste Division  
Region X

PURPOSE: The purpose of this memorandum is to inform you that on February 15, 1995, approximately 25,000 no further remedial action planned (NFRAP) sites will be removed from the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) in compliance with Administrator Browner's recent announcement on Brownfields. This memorandum describes how the Region should handle future public requests for CERCLIS information, and followup activities to encourage economic redevelopment of the NFRAP sites.

BACKGROUND: Historically, CERCLIS served as the official inventory of CERCLA sites. As a matter of policy, even sites EPA classified as NFRAP were maintained in CERCLIS to document the evaluations that took place at these sites, and to preclude the possibility they would be needlessly repeated in the future. It is important to note a NFRAP decision does not mean there is no hazard associated with a given property; it means only that based on available information at the time of the evaluation, EPA decided not to take further action under CERCLA.

This policy of maintaining NFRAP sites in CERCLIS led to unintended barriers to the redevelopment of these properties. In the past, many sites in the CERCLIS database were considered risky ventures by the banking and real estate industries. This in turn, made it difficult for prospective purchasers who wanted to develop these properties to secure loans.



EPA's Superfund program is a major part of the Agency's Brownfields plan to support economic development and the reuse of previously used properties. Removal of the NFRAP sites from CERCLIS is the first step in freeing them up for redevelopment. In addition, we are exploring ways to make the site investigation information on these properties easily accessible to the private sector.

**HOW TO HANDLE CERCLIS REQUESTS AFTER FEBRUARY 15, 1995:**

Beginning February 15, 1995, all sites designated as NFRAP will be removed from the CERCLIS inventory list. The NFRAP sites will be archived. When the public requests CERCLIS, the requestor shall receive the external List 8 which contains only those inventory sites that have not been designated as NFRAP. Attachment A, boiler plate language which explains that NFRAP sites have been archived, is suggested for inclusion with the response accompanying the CERCLIS database. If a public request for information on NFRAP sites is received, the requestor should, of course, be provided List 8t which is information on the NFRAP sites retrieved from the archives. Attachment B contains Q's & A's to help you respond to questions you may receive.

**FOLLOWUP ACTIVITIES TO ENCOURAGE ECONOMIC REDEVELOPMENT OF NFRAP PROPERTIES:** Two activities we believe will encourage economic redevelopment of the NFRAP properties are making the site investigation information easily accessible to the private sector, and developing tools to provide assurance, at appropriate sites, that the new owner or developer need not be fearful of Superfund liability. We are planning to work with the Regions, mortgage banking industry, HUD, States and others to develop a strategy to:

- **Enhance accessibility of investigation information** - we estimate over 800,000 pages of paper document the NFRAP decisions. Over the next several months, we will work with the Regions to develop a strategy to make the investigation information available quickly. We will initially look at the investigation information available on the NFRAP sites in Bridgeport, CT, one of the Brownfields pilots. We encourage other Regions to work with us to develop this strategy. Please contact Steve Caldwell at (703) 603- 9047, if you can assist in this area.
- **Tools to remove liability barriers** - over the next several months, the Office of Site Remediation Enforcement (OSRE), with the Regions assistance, will be identifying options and developing tools to remove liability barriers to economic redevelopment and provide assurance that there is no need for Federal involvement at specific sites. OSRE will also

be developing guidance regarding the liability of specific parties associated with contaminated properties. The Regions will be asked to participate in the development of the tools and guidance.

We are hopeful these actions will promote economic redevelopment and property reuse. We encourage the Regions to participate in the development of the strategies to make the investigation information available quickly and to provide limits to liability for prospective purchasers. If you have any questions, please contact Mary Curtis (CERCLIS questions) at (703) 603-8882, Steve Caldwell (availability of investigation information) (703) 603-9047, and Lori Boughton (limits to liability) (703) 603-8959.

cc: Information Management Coordinators  
FOIA Coordinators  
Superfund Branch Chiefs  
Site Assessment Section Chiefs  
Ika Joiner  
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Mike Cullen  
Sam Coleman  
Linda Boornazian  
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Attachment A

**DRAFT LANGUAGE FOR FOIA RESPONSES**

Enclosed is a copy of the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS). CERCLIS is a list of potential and confirmed hazardous waste sites at which the Environmental Protection Agency (EPA) Superfund program has some involvement. CERCLIS contains sites which are either proposed to or on the National Priorities List (NPL) and sites which are in the screening and assessment phase for possible inclusion on the NPL.

CERCLIS does not include sites which EPA has assessed and designated "No Further Remedial Action Planned" (NFRAP) under the Federal Superfund program. A NFRAP designation means that, based on current information, a site will not score above the 28.5 listing cutoff and no additional federal actions are planned. NFRAP sites are archived as historical records so that EPA does not needlessly repeat the investigations in the future.

## Attachment B

### Q's and A's

Q. When will the NFRAP sites be removed from CERCLIS?

A. The NFRAP sites will be removed from CERCLIS on February 15, 1995. The information on the NFRAP sites will be maintained on a separate NFRAP list. This list will be available to the public upon request.

Q. Does NFRAP mean there are no hazardous wastes present at the site?

A. Prior to a no further remedial action planned (NFRAP), EPA conducted a preliminary assessment and/or site investigation at the site, and determined the site was not serious enough to warrant placement on the Superfund National Priorities List (NPL). A NFRAP decision does not mean there are no hazardous wastes associated with a given property; it means only that based on available information at the time of the evaluation, EPA decided not to take further action under CERCLA.

Q. Can the NFRAP sites be put back into CERCLIS?

A. If information becomes available indicating the NFRAP decision was incorrect, the NFRAP site can be put back into CERCLIS and further assessment done on the site.

Q. Will the PA/SI documents be available on CD ROM?

A. We estimate over 800,000 pages of paper in preliminary assessment (PA) and site investigation (SI) reports document the NFRAP decisions. We are planning to look at a sample of the PA/SI reports, and develop a strategy for making this information quickly available to the public. This strategy should be available within 6 months. During this time, PA/SI documents will continue to be publicly available in the Regional offices in hard copy.

Q. What is EPA doing to limit the liability of future owners of NFRAP properties?

A. Over the next several months, OSRE with the Regions assistance, will be identifying options and developing tools to remove liability barriers to economic redevelopment and provide assurance that there is no need for Federal involvement at specific sites. OSRE will also be developing guidance regarding the liability of specific parties associated with contaminated properties. The Regions will be asked to participate in the development of the tools and guidance.

Q. Why is EPA removing the NFRAP sites from CERCLIS now?

A. Originally, EPA decided not to remove NFRAP sites from CERCLIS upon completion of the evaluation in order to document that these evaluations took place and to preclude the possibility that they be needlessly repeated. We now realize maintaining the NFRAP sites in CERCLIS resulted in unintended barriers to the redevelopment of these properties. EPA has now decided to maintain the NFRAP sites in a separate, archive, list to keep a record of the activities at the site. We believe removing the NFRAP sites from CERCLIS will free up these properties for redevelopment.